

Board Administration and Regulatory Coordination Unit

Division 3. Air Resources Board

Chapter 1. Air Resources Board

Subchapter 3. Subventions

Article 1. General Provisions

§ 90110. Types of Subventions.

(a) "Coordinated subvention" means a subvention authorized by Section 39802 of the Health and Safety Code. Such a subvention may be granted to a district participating in a coordinated basinwide program. A district satisfying either of the following conditions will be considered to be participating in a coordinated basinwide program, provided that when a district lies in more than one air basin, only the portion(s) of the district which satisfies either of these conditions shall be considered to be participating in such a program.

(1) A district which includes an entire air basin.

(2) Two or more districts which together include an entire air basin, and which meet the following requirements:

(A) The rules and regulations except for administrative procedures are uniform among all districts and are consistent with the approved nonattainment plan for each district's area. For any air basin where the control council has determined that identical rules and regulations throughout the entire air basin are not necessary for uniformity, the control council may divide the air basin into zones within which equivalent rules and regulations will be required. For the purposes of this subsection, equivalent rules and regulations means rules and regulations which effect the same degree of control. In establishing such zones, the control council shall consider topography, meteorology, population distribution, and air quality;

(B) The control council shall meet as often as necessary for the transaction of business, but not less than once per quarter except as provided for below. The control council of any air basin consisting solely of districts in the rural category may establish an equivalent procedure for basinwide consideration of policy matters and shall meet within 30 days after it has been requested to meet by the executive officer or by a member of the council. For the purposes of this Subdivision a quorum must be present in order to constitute a meeting. Copies of the minutes of each meeting shall be submitted to the executive officer within 30 days after the date of the meeting; and

(C) The districts shall be parties to one joint powers agreement or other enforceable agreement acceptable to the executive officer. The agreement shall specifically provide for the following:

1. The sharing of qualified air pollution personnel and equipment in a manner which results in the effective use of the basin wide resources and ensures that all districts in the air basin will maintain a program satisfying the applicable evaluation criteria. Such sharing shall be subject to a method for compensation for the cost of shared personnel and equipment mutually agreed on by the districts. Nothing in this subchapter shall preclude the payment by a district of subvention funds as compensation to other districts to cover costs of shared personnel or equipment use. Subvention funds received by a district under such agreements or contracts, however, may not be counted as matching funds in computing the district's subvention;

2. Interdistrict coordination of activities including enforcement; air monitoring; engineering; and, if required by the State Implementation Plan, traffic and land use planning; and

3. Implementation of the State Air Pollution Emergency plan, where applicable.

(b) "Individual subvention" means a subvention authorized by Section 39803 of the Health and Safety Code.

(c) "Special subvention" means a subvention authorized by Section 39804 of the Health and Safety Code. Such a subvention may be granted to a district participating in a coordinated basinwide program as described in subsection (a) of this section and lying in an air basin whose population is less than 98,000. If the funding limit specified in Section 39804 of the Health and Safety Code is increased pursuant to Section 39805 of the Health and Safety Code, the per capita funds budgeted by each district necessary to qualify for a special subvention shall be increased by the same proportion. The sum of the special subventions for which the districts in an air basin shall be eligible shall not exceed the amount equal to the difference between (1) the current maximum special subvention funding limit, established by Section 39804 of the Health and Safety Code or pursuant to Section 39805 of the Health and Safety Code, and (2) the current special subvention per capita rate, established by Section 39804 of the Health and Safety Code or pursuant to this subsection, multiplied by the basin population. The sum of the special subventions in an air basin shall be prorated according to population among the districts in the air basin.

(d) "Supplemental subvention" means a subvention authorized by Section 39810 of the Health and Safety Code. Dollars budgeted by the district which are needed to qualify for a coordinated, individual, or special subvention, may not be used to qualify for a supplemental subvention. A supplemental subvention shall not be approved for any district which has not, for the same fiscal year, been granted a coordinated, individual, or special subvention.

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NOTE: Authority cited: Sections 39600, 39601 and 39801, Health and Safety Code. Reference: Sections 39515, 39801-39804 and 39810, Health and Safety Code.

REFERENCE